Datatreasury Corporation v. Wells Fargo & Company et al Doc. 403

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATA TREASURY CORPORATION, Plaintiff v. WELLS FARGO & COMPANY, ET AL., Defendants	2:06-CV-72 DF

JOINT UNOPPOSED MOTION
TO EXTEND THE TIME FOR DEFENDANTS TO ANSWER

Plaintiff Data Treasury Corporation ("DTC") and all defendants (except for Compass Bancshares, Inc.; First Horizon National Corporation; First Tennessee Bank, National Association; First Citizens Bancshares, Inc.; First Citizens Bank & Trust Company; the Clearing House Payments Company, who do not join this motion; and Magtek, Inc., who has already filed an Answer) (collectively "Moving Defendants"), jointly move the Court for an extension of time for the Defendants to answer DTC's Complaint and would show the Court as follows:

1. On February 2, 2006, DTC filed its Complaint for patent infringement. The suit was assigned to this Court, and enumerated as captioned above.

2. Defendants, other than Magtek, Inc., moved to dismiss this case in lieu of filing an answer on June 1, 2006. The Court denied the Defendants' joint motion to dismiss on December 27, 2006.

3. Pursuant to FED. R. CIV. P. 12(a)(4)(A), the current answer deadline is January 12, 2007, for the Defendants who moved to dismiss the case.

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4. DTC and the Moving Defendants have jointly agreed that the deadline for the Moving Defendants to answer in this case should be extended to February 12, 2007.

5. This joint motion will not result in prejudice to any party or to the Court, and will not unduly delay the proceedings.

WHEREFORE, DTC and the MOVING DEFENDANTS jointly request an extension of time until February 12, 2007, to answer DTC's Complaint.

Respectfully submitted,

Dated: January 10, 2007

FISH & RICHARDSON P.C.

By: /s/ Thomas M. Melsheimer

Thomas M. Melsheimer
Texas Bar No. 13922550
melsheimer@fr.com
1717 Main Street, Suite 5000
Dallas, TX 75201
214-747-5070 (Telephone)
214-747-2091 (Telecopy)

Robert E. Hillman
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
617-542-5070 (Telephone)
617-542-8906 (Telecopy)

Robert M. Parker
Robert Christopher Bunt
Parker & Bunt, P.C.
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
903-531-3535 (Telephone)
903-533-9687 (Telecopy)

Michael E. Jones
Texas Bar No. 10929400
E. Glenn Thames, Jr.
Texas Bar No. 00785097
Potter Minton
500 Plaza Tower
110 North College, Suite 500
Tyler, TX 75702

ATTORNEYS FOR
BANK OF AMERICA CORPORATION,
BANK OF AMERICA, NATIONAL
ASSOCIATION

By:/s/ Thomas M. Melsheimer by permission on behalf of the following counsel:

Danielle Williams
KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101

Bill Boice
Audra Dial
KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530

Kenneth Godlewski
Stephen Baskin
KILPATRICK STOCKTON LLP
607 14th Street, NW, Suite 900
Washington, DC 20005-2018

ATTORNEYS FOR DEFENDANTS BB&T CORPORATION, BRANCH BANKING & TRUST CO., COMERICA BANK & TRUST, N.A., COMERICA, INC., M&T BANK, M&T CORPORATION, WACHOVIA CORPORATION, WACHOVIA BANK, N.A.

John G. Flaim
Brian Hurst
Brian C. McCormack
BAKER & MCKENZIE
2001 Ross Avenue, Suite 2300
Dallas, TX 75201-0800

ATTORNEYS FOR DEFENDANTS WELLS FARGO & COMPANY, WELLS FARGO BANK, N.A.

Raymond Sweigart
Jack Barufka
Scott Pivnick

PILLSBURY WINTHROP SHAW
PITTMAN LLP
1650 Tysons Blvd.
McLean, VA 22102-4859

ATTORNEYS FOR DEFENDANTS BANK OF NEW YORK CO., INC., THE BANK OF NEW YORK, UNION BANK OF CALIFORNIA, N.A., UNIONBANCAL CORPORATION

Glen Boudreaux
Tim Leonard
Edward J. Nicholas
BOUDREAUX LEONARD HAMMOND
CURCIO
2 Houston Center
909 Fannin Street, Suite 2350
Houston, TX 77010

ATTORNEYS FOR DEFENDANTS HSBC NORTH AMERICA HOLDINGS, INC., HSBC BANK USA, N.A.

Kurt M. Sauer
DAFFER MCDANIEL
The Chase Building
700 Lavaca, Suite 720
Austin, TX 78701-3119

ATTORNEYS FOR DEFENDANTS CULLEN/FROST BANKERS, INC., THE FROST NATIONAL BANK

Irah Donner
WILMER, CUTLER, PICKERING, HALE
& DORR
399 Park Ave.
New York, NY 10022

ATTORNEY FOR DEFENDANTS HSBC NORTH AMERICA HOLDINGS, INC., HSBC BANK USA, N.A.

Sam Baxter
Lead Attorney
Texas Bar No. 01938000
sbaxter@mckoolsmith.com
McKOOL SMITH, P.C.
505 East Travis Street, Suite 105
Marshall, Texas 75670
903-927-2111 (Telephone)
903-927-2622 (Telecopy)

Theodore Stevenson, III
Texas Bar No. 19196650
tstevenson@mckoolsmith.com
L. David Anderson
Texas Bar No. 00796126
danderson@mckoolsmith.com
McKOOL SMITH P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
214-978-4000 (Telephone)
214-978-4044 (Telecopy)

Peter J. Ayers
Texas Bar No. 24009882
payers@mckoolsmith.com
Geoffrey L. Smith
Texas Bar No. 24041939
gsmith@mckoolsmith.com
McKOOL SMITH P.C.
300 W. 6th Street, Suite 1700
Austin, Texas 78701
512-692-8700 (Telephone)
512-692-8744 (Telecopy)

ATTORNEYS FOR DEFENDANTS SUNTRUST BANKS, INC., SUNTRUST BANK, THE PNC FINANCIAL SERVICES GROUP, INC., PNC BANK, KEYCORP, AND KEYBANK NA

Theodore Stevenson, III
Lead Attorney
Texas Bar No. 19196650
tstevenson@mckoolsmith.com
Garret W. Chambers
Texas Bar No. 00792160
gchambers@mckoolsmith.com
L. David Anderson
Texas Bar No. 00796126
danderson@mckoolsmith.com
McKOOL SMITH, P.C
300 Crescent Court, Suite 1500
Dallas, TX 75201
214-978-4000 (Telephone)
214-978-4044 (Telecopy)

Peter J. Ayers
Texas Bar No. 24009882
payers@mckoolsmith.com
Geoffrey L. Smith
Texas Bar No. 24041939
gsmith@mckoolsmith.com
McKOOL SMITH P.C.
300 W. 6th Street, Suite 1700

Austin, Texas 78701
512-692-8700 (Telephone)
512-692-8744 (Telecopy)

ATTORNEYS FOR DEFENDANT ELECTRONIC DATA SYSTEMS CORP.

Robert M. Manley
Lead Attorney
Texas Bar No. 00787955
rmanley@mckoolsmith.com
Sam Baxter
Texas Bar No. 01938000
sbaxter@mckoolsmith.com
L. David Anderson
Texas Bar No. 00796126
danderson@mckoolsmith.com
McKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
214-978-4000 (Telephone)
214-978-4044 (Telecopy)

Peter J. Ayers
Texas Bar No. 24009882
payers@mckoolsmith.com
Geoffrey L. Smith
Texas Bar No. 24041939
gsmith@mckoolsmith.com
McKOOL SMITH, P.C.
300 W. 6th Street, Suite 1700
Austin, Texas 78701
512-692-8700 (Telephone)
512-692-8744 (Telecopy)

Robert Masters
robertmasters@paulhastings.com
Paul Wilson
paulwilson@paulhastings.com
Brandon White
brandonwhite@paulhastings.com
Paul, Hastings, Janofsky & Walker, LLP
875 15th Street, N.W.
Washington, DC 20005
202-551-1763 (Telephone)
202-551-1705 (Telecopy)

ATTORNEYS FOR DEFENDANTS HARRIS BANKCORP, INC. AND HARRIS N.A.

Edward G. Poplawski (Pro Hac Vice)
EPoplaws@Sidley.com

Jeffrey A. Finn (Pro Hac Vice)
JFinn@Sidley.com
Carissa A. Tener (Pro Hac Vice)
CTener@Sidley.com
SIDLEY AUSTIN L.L.P.
555 West Fifth Street, Suite 4000
Los Angeles, California 90013
213-896-6000 (Telephone)
213-896-6600 (Telecopy)

Lance Lee
WLanceLee@aol.com
Texas Bar No. 240004762
YOUNG, PICKETT & LEE, L.L.P.
4122 Texas Blvd.
P.O. Box 1897
Texarkana, Texas 75504
903-794-1303 (Telephone)
903-792-5098 (Telecopy)

COUNSEL FOR FIRST DATA CORPORATION, TELECHECK SERVICES, INC.;REMITCO, LLC, LASALLE BANK CORPORATION, LASALLE BANK NA, DEUTSCHE BANK TRUST COMPANY AMERICAS, BANK OF TOKYO-MITSUBISHI UFJ, LTD.

William L. LaFuze
Texas Bar No. 11792500
wlafuze@velaw.com
D. Ferguson McNiel
Texas Bar No. 13830300
fmcniel@velaw.com
VINSON & ELKINS LLP
2300 First City Tower
1001 Fannin St.
Houston, TX 77002
713-758-2595 (Telephone)
713-615-5017 (Telecopy)

Scott W. Breedlove
Texas Bar No. 00790361
sbreedlove@velaw.dom
VINSON & ELKINS LLP
3700 Trammell Crow Center
2001 Ross Ave.
Dallas, TX 75201-2975
214-220-7700 (Telephone)
214-220-7716 (Telecopy)

Harry Lee Gillam, Jr.
Texas Bar No. 07921800

gil@gillamsmithlaw.com
Melissa Richards Smith
Texas Bar No. 24001351
melissa@gillamsmithlaw.com
GILLAM & SMITH LLP
110 South Bolivar, Suite 204
Marshall, TX 75670
903-934-8450 (Telephone)
903-934-9257 (Telecopy)

ATTORNEYS FOR
UBS AMERICAS, INC.

Betsy Rosenblatt
brosenblatt@irell.com
Andrew Weiss
aweiss@irell.com
IRELL & MANELLA LLP
1800 Ave. of the Stars, Suite 900
Los Angeles, CA 90067
310-203-7106 (Telephone)
310-556-5206 (Telecopy)

ATTORNEYS FOR
CITY NATIONAL BANK
CITY NATIONAL CORP.

Melvin R. Wilcox, III
mrw@smeadlaw.com
SMEAD, ANDERSON & DUNN LLP
2110 Horseshoe Lane
P.O. Box 3343
Longview, TX 75606
903-232-1892 (Telephone)
903-232-1881 (Telecopy)

Of Counsel:
John J. Feldhaus
jfeldhaus@foley.com
Anthony H. Son
ason@foley.com
FOLEY & LARDNER LLP
3000 K Street, N.W.
Washington, DC 20007
202-672-5300 (Telephone)

ATTORNEYS FOR
U.S. BANCORP, U.S. BANK,
NATIONAL ASSOCIATION,
NATIONAL CITY CORPORATION
AND NATIONAL CITY BANK, ZIONS
BANCORPORATION AND ZIONS
FIRST NATIONAL BANK

Daniel A. DeVito
SKADDEN ARPS SLATE MEAGHER & FLOM
4 Times Square
New York, NY 10036
212-735-3210 (Telephone)
917-777-3210 (Telecopy)
ddevito@skadden.com

Philip Philbin
Russ Emerson
HAYNES & BOONE
901 Main St., Suite 3100
Dallas, TX 75202
214-651-5684 (Telephone)
214-200-0672 (Telecopy)

ATTORNEYS FOR VIEWPOINTE ARCHIVE SERVICES, LLC

John H. McDowell, Jr.
john.mcdowell@hugheslu ce.com
Greg Perrone
gregory.perrone@hugheslu ce.com
HUGHES & LUCE LLP
1717 Main Street, Suite 2800
Dallas, TX 75201
214-939-5413 (Telephone)
214-939-5849 (Telecopy)

ATTORNEYS FOR BANCORPSOUTH, INC., AND BANCORPSOUTH BANK

Jeffrey Standley
jstandley@standleyllp.com
STANDLEY LAW GROUP LLP
495 Metro Place South, Suite 210
Dublin, OH 43017
614-792-5555 (Telephone)
614-792-5536 (Telecopy)

Claude Welch
cwelch@consolidated.net
115 W. Shepherd Ave.
Lufkin, TX 75904-3808
936-639-3311 (Telephone)
936-639-3049 (Telecopy)

ATTORNEYS FOR CITIZENS FINANCIAL GROUP, INC.

CERTIFICATE OF CONFERENCE

This certifies that Brett Johnson, counsel for Bank of America, conferred with Karl Rupp, counsel for plaintiff, on January 3, 2007, concerning plaintiff's position on this motion, and Mr. Rupp stated that plaintiff does not oppose the motion to extend the time for Defendants to answer.

/s/ Thomas M. Melsheimer
Thomas M. Melsheimer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Thomas M. Melsheimer
Thomas M. Melsheimer

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